

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, )  
                                )  
                                )  
Plaintiff,                 )  
                                )  
                                )                           **8:06CR403**  
vs.                         )  
                                )  
                                )  
STEPHEN SMITH,             )  
                                )  
                                )  
Defendant.                 )

**ORDER**

This matter is before the court on defendant's motion for extension of time to file pretrial motions [12].

**IT IS ORDERED** that defendant's motion [12] is held in abeyance pending compliance with NECrimR 12.1<sup>1</sup>. Defendant is given until and including Monday, **February 12, 2007** to file the required waiver.

**DATED February 6, 2007.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**

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<sup>1</sup>**12.1 Motions to Continue Trial.**

- (a) **Content of Motion.** Unless excused by the court in individual cases, a motion to continue the trial setting of a criminal case must state facts demonstrating that the ends of justice served by a continuance outweigh the best interest of the public and the defendant in a speedy trial, (see 18 U.S.C. § 3161(h)(8)), or that for some other reason, the continuance will not violate the Speedy Trial Act. Unless excused by the court in individual cases, if the defendant is a moving party the motion shall be accompanied by the defendant's affidavit or declaration (see 28 U.S.C. § 1746) stating that defendant:
- (1) Was advised by counsel of the reasons for seeking a continuance;
  - (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.;
  - (3) With this understanding and knowledge, agrees to the filing of the motion; and
  - (4) Waives the right to a speedy trial.